

to eliminate racism wherever it exists. Critical race theory and its propagation within the Federal Government through EO 13985 desecrates this paramount pursuit to eliminate racism.

(c) **PROHIBITION.**—No Executive agency may act in contravention of EO 13950, except as EO 13950 relates to contractors and grant recipients.

(d) **LIMITATION ON FUNDS.**—An Executive agency or any other recipient of Federal funds may not use Federal funds to teach or advance the idea, or otherwise award any grant or subgrant using Federal funds to any Executive agency, entity, or individual that teaches or otherwise advances the idea, that—

(1) one race is inherently superior or inferior to another race;

(2) an individual or a group of individuals, by virtue of the race of the individual or group of individuals—

(A) is superior or inferior to another individual, or a group of individuals, who is of a different race;

(B) bears responsibility or moral culpability for the actions committed by other individuals who are of the same race as the individual or group of individuals; or

(C) is inherently racist or oppressive, whether consciously or unconsciously;

(3) the race of an individual or a group of individuals is determinative of the moral worth of the individual or group of individuals;

(4) the United States is a fundamentally racist country; or

(5) the founding documents of the United States, including the Declaration of Independence and the Constitution of the United States, are fundamentally racist documents.

SA 2390. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division I, add the following:
SEC. 90009. RESTRICTION OF FUNDING FOR LOCAL EDUCATIONAL AGENCIES THAT DO NOT HAVE IN-PERSON INSTRUCTION.

Notwithstanding any other provision of this Act, or an amendment made by this Act, no funds shall be provided under this Act, or an amendment made by this Act, to a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) if any public elementary school or secondary school served by such agency does not provide, in the 2021–2022 school year, 5-day-a-week, in-classroom instruction for the students enrolled in the school in the same manner as 5-day-a-week, in-classroom instruction for the students enrolled in the school was provided in the 2018–2019 school year.

SA 2391. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid high-

ways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, between lines 3 and 4, insert the following:

SEC. 11320. LIMITATIONS ON CLAIMS.

(a) **IN GENERAL.**—Section 139(l) of title 23, United States Code, is amended by striking “150 days” each place it appears and inserting “90 days”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 330(e) of title 23, United States Code, is amended—

(A) in paragraph (2)(A), by striking “150 days” and inserting “90 days”; and

(B) in paragraph (3)(B)(i), by striking “150 days” and inserting “90 days”.

(2) Section 24201(a)(4) of title 49, United States Code, is amended by striking “of 150 days”.

On page 2304, strike line 15.

On page 2305, between lines 19 and 20, insert the following:

(C) in paragraph (4)(A), by striking “or (C)” and inserting “or (D)”; and

On page 2305, strike lines 21 through 23 and insert the following:

(A) in subparagraph (A)—

(i) by striking “coordination” and inserting “coordinated”; and

(ii) by striking “subparagraph (C)” and inserting “subparagraph (D)”; and

(B) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(C) by inserting after subparagraph (A) the following:

“(B) NOTICE OF INTENT AND SCOPING.—

“(i) **IN GENERAL.**—The permitting timetable under subparagraph (A) shall require that not later than 5 business days after the Coordinated Project Plan is required to be established under paragraph (1)(A), the lead agency shall publish in the Federal Register a notice of intent to prepare the relevant environmental document required by NEPA.

“(ii) **ENVIRONMENTAL IMPACT STATEMENTS.**—If the relevant environmental document required by NEPA is an environmental impact statement, the notice of intent required under clause (i) and the permitting timetable under subparagraph (A) shall provide for a public scoping period of not longer than 60 days, which shall begin not later than 30 days after the date on which the notice of intent is published.”;

(D) in clause (i) of subparagraph (E) (as so redesignated)—

On page 2306, line 11, strike “and” at the end.

On page 2306, strike line 15 and insert the following:

(iv) in subclause (IV) (as so redesignated), by striking “subparagraph (B)” and inserting “subparagraph (C)”; and

(E) in subparagraph (G) (as so redesignated)—

On page 2306, strike line 19.

On page 2306, between lines 21 and 22, insert the following:

(III) by striking “subparagraph (D)” and inserting “subparagraph (E)”; and

On page 2307, line 12, strike the period at the end and insert “; and”.

On page 2307, between lines 12 and 13, insert the following:

(F) in clause (iii) of subparagraph (H) (as so redesignated), by striking “subparagraph (F)” and inserting “subparagraph (G)”.

On page 2310, strike lines 23 and 24 and insert the following:

(4) by redesignating subsection (f) as subsection (h); and

On page 2311, strike lines 3 through 7 and insert the following:

“(f) **FINAL ENVIRONMENTAL IMPACT STATEMENT.**—

“(1) **INCORPORATION OF COMMENTS AND PUBLICATION OF FINAL ENVIRONMENTAL IMPACT STATEMENT.**—Subject to paragraph (2)(C), not later than 30 days after the date on which the public comment period for a draft environmental impact statement under subsection (d) ends, the lead agency shall—

“(A) incorporate any necessary changes; and

“(B) approve, adopt, and publish the final environmental impact statement.

“(2) **PREPARATION BY PROJECT SPONSOR.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, an environmental impact statement for a covered project shall not be considered legally insufficient solely because the draft environmental impact statement was prepared by, or under the supervision of, the project sponsor, if the lead agency—

“(i) furnishes guidance and participates in the preparation of the environmental impact statement;

“(ii) independently evaluates the environmental impact statement; and

“(iii) approves and adopts the environmental impact statement.

“(B) **APPROVAL AND ADOPTION OF DRAFT STATEMENT.**—If the lead agency approves and adopts a draft environmental impact statement described in subparagraph (A), the lead agency shall publish the draft environmental impact statement for public comment not later than 30 days after the date on which the lead agency receives the draft environmental impact statement.

“(C) **RESUBMISSION.**—If the lead agency determines that a draft environmental impact statement described in subparagraph (A) is legally insufficient or deficient in a respect that could affect the decision of a lead agency or a cooperating agency, the lead agency shall, not later than 30 days after the date on which the agency receives the draft environmental impact statement—

“(i) indicate all deficiencies in the draft environmental impact statement to the project sponsor for remediation; and

“(ii) allow the project sponsor to resubmit the draft detailed statement in accordance with subparagraph (B).

“(D) **SAVINGS PROVISION.**—The procedures under this paragraph shall not relieve any agency of—

“(i) any responsibility for the scope, objectivity, or content of an environmental impact statement; or

“(ii) any other responsibility under NEPA.

“(g) **RECORD OF DECISION.**—When an environmental impact statement is prepared, Federal agencies shall, to the maximum extent practicable, issue a record of decision not later than 90 days after the date on which the final environmental impact statement is issued.”.

On page 2311, line 20, strike “and” at the end.

On page 2311, strike lines 21 through 23 and insert the following:

(2) in subsection (b), in the matter preceding paragraph (1), by striking “In addition” and inserting “Subject to subsection (c), in addition”;

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

“(c) **PRELIMINARY INJUNCTIVE RELIEF IN NEPA ACTIONS.**—In the case of an action pertaining to an environmental review conducted under NEPA, a court shall not issue a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with the review or authorization of a covered project unless the court, in the discretion of the court, determines that—

“(1) the environmental review has failed substantially and materially to comply with the requirements of NEPA; and

“(2) the failure described in paragraph (1) cannot be cured by supplementing the environmental document or other mitigation and monitoring measures.”; and

(5) in subsection (f) (as so redesignated), in the matter preceding paragraph (1), by striking “this section” and inserting “this title”.

SA 2392. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division H, insert the following:

TITLE VII—DISASTER MITIGATION

SEC. 80701. SHORT TITLE.

This title may be cited as the “SHELTER Act”.

SEC. 80702. NONREFUNDABLE PERSONAL CREDIT FOR DISASTER MITIGATION EXPENDITURES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section: “SEC. 25E. DISASTER MITIGATION EXPENDITURES.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the qualified disaster mitigation expenditures made by the taxpayer during such taxable year.

“(b) MAXIMUM CREDIT.—

“(1) IN GENERAL.—Subject to paragraph (2), the credit allowed under subsection (a) for any taxable year shall not exceed \$5,000.

“(2) PHASEOUT.—

“(A) IN GENERAL.—The amount under paragraph (1) for the taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount under such paragraph as—

“(i) the amount (not less than zero) equal to the adjusted gross income of the taxpayer for such taxable year minus \$84,200, bears to

“(ii) \$40,800.

“(B) JOINT RETURN.—For purposes of determining the amount of any reduction under subparagraph (A) for any taxable year, if a joint return was filed for such taxable year, each of the dollar amounts under such subparagraph shall be doubled.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year after 2022, each of the dollar amounts under subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2021’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(D) ROUNDING.—If any reduction determined under subparagraph (A) or (B) is not a multiple of \$50, or any increase under subparagraph (C) is not a multiple of \$50, such amount shall be rounded to the nearest multiple of \$50.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED DISASTER MITIGATION EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified disaster mitigation expenditure’ means an expenditure relating to a qualified dwelling unit—

“(i) for property to—

“(I) improve the strength of a roof deck attachment,

“(II) create a secondary water barrier to prevent water intrusion or mitigate against potential water intrusion from wind-driven rain,

“(III) improve the durability, impact resistance (not less than class 3 or 4 rating), or fire resistance (not less than class A rating) of a roof covering,

“(IV) brace gable-end walls,

“(V) reinforce the connection between a roof and supporting wall,

“(VI) protect openings from penetration by wind-borne debris,

“(VII) protect exterior doors and garages from natural hazards,

“(VIII) complete measures contained in the publication of the Federal Emergency Management Agency entitled ‘Wind Retrofit Guide for Residential Buildings’ (P-804),

“(IX) elevate the qualified dwelling unit, as well as utilities, machinery, or equipment, above the base flood elevation or other applicable minimum elevation requirement,

“(X) seal walls in the basement of the qualified dwelling unit using waterproofing compounds, or

“(XI) protect propane tanks or other external fuel sources,

“(ii) to install—

“(I) check valves to prevent flood water from backing up into drains,

“(II) flood vents, breakaway walls or open lattice for homes located in V zones,

“(III) a stormwater drainage system or improve an existing system,

“(IV) natural or nature-based features for flood control, including living shorelines,

“(V) roof coverings, sheathing, flashing, roof and attic vents, eaves, or gutters that conform to ignition-resistant construction standards,

“(VI) wall components for wall assemblies that conform to ignition-resistant construction standards,

“(VII) a wall-to-foundation anchor or connector, or a shear transfer anchor or connector,

“(VIII) wood structural panel sheathing for strengthening cripple walls,

“(IX) anchorage of the masonry chimney to the framing,

“(X) prefabricated lateral resisting systems,

“(XI) a standby generator system consisting of a standby generator and an automatic transfer switch,

“(XII) a storm shelter that meets the design and construction standards established by the International Code Council and the National Storm Shelter Association (ICC-500), or a safe room that satisfies the criteria contained in—

“(aa) the publication of the Federal Emergency Management Agency entitled ‘Safe Rooms for Tornadoes and Hurricanes’ (P-361), or

“(bb) the publication of the Federal Emergency Management Agency entitled ‘Taking Shelter from the Storm’ (P-320),

“(XIII) a lightning protection system,

“(XIV) exterior walls, doors, windows, or other exterior dwelling unit elements that conform to ignition-resistant construction standards,

“(XV) exterior deck or fence components that conform to ignition-resistant construction standards,

“(XVI) structure-specific water hydration systems, including fire mitigation systems

such as interior and exterior sprinkler systems,

“(XVII) water capture and delivery systems to accommodate drought events or to decrease water use, including the design of such systems,

“(XVIII) flood openings for fully enclosed areas below the lowest floor of the dwelling unit,

“(XIX) lateral bracing for wall elements, foundation elements, and garage doors or other large openings to resist seismic loads, or

“(XX) automatic shutoff valves for water and gas lines, or

“(iii) for services or equipment to—

“(I) create buffers around the qualified dwelling unit through the removal or reduction of flammable vegetation, including vertical clearance of tree branches,

“(II) create buffers around the dwelling unit through—

“(aa) the removal of exterior deck or fence components or ignition-prone landscape features, or

“(bb) replacement of the components or features described in item (aa) with components or features that conform to ignition-resistant construction standards,

“(III) perform fire maintenance procedures identified by the Federal Emergency Management Agency or the United States Forest Service, including fuel management techniques such as creating fuel and fire breaks,

“(IV) gather and analyze water and weather data to better understand the local climate and drought history,

“(V) replace flammable vegetation with less flammable species, or

“(VI) determine the risk of natural disasters which may occur in the area in which the qualified dwelling unit is located, or

“(iv) for property relating to satisfying the standards required for receipt of a FOR-TIFIED designation from the Insurance Institute for Business and Home Safety, provided that the qualified dwelling unit receives such designation following installation of such property.

“(B) EXCEPTION.—The term ‘qualified disaster mitigation expenditure’ shall not include any expenditure or portion thereof which is paid, funded, or reimbursed by a Federal, State, or local government entity, or any political subdivision, agency, or instrumentality thereof.

“(2) QUALIFIED DWELLING UNIT.—The term ‘qualified dwelling unit’ means a dwelling unit which is—

“(A) located—

“(i) in the United States or in a territory of the United States, and

“(ii) in an area—

“(I) in which a Federal disaster declaration has been made within the preceding 10-year period, or

“(II) which is adjacent to an area described in subclause (I), and

“(B) used as a residence by the taxpayer.

“(d) LIMITATION.—

“(1) IN GENERAL.—In the case of an expenditure described in clause (i) or (ii) of subsection (c)(1)(A), such expenditure shall be taken into account in determining the qualified disaster mitigation expenditures made by the taxpayer during the taxable year only if the onsite preparation, assembly, or original installation of the property with respect to which such expenditure is made has been completed in a manner that is deemed to be in compliance with the latest published editions of relevant consensus-based codes, specifications, and standards or any more restrictive Federal, State, or local floodplain management standards and consistent with floodplain management regulations for the local jurisdiction in which the qualified dwelling unit is located.